

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PABLO ACEVEDO

PETITIONER

V.

CIVIL ACTION NO. 3:17-CV-326-DPJ-FKB

WARDEN MARCUS MARTIN

RESPONDENT

ORDER

This habeas petition under 28 U.S.C. § 2241 is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge F. Keith Ball. R&R [13]. Judge Ball recommended dismissal with prejudice for lack of jurisdiction because Petitioner Pablo Acevedo’s challenge to his sentence should have been brought as a motion under 28 U.S.C. § 2255 in the court of conviction. Acevedo failed to file an objection to the R&R, and the time to do so has now expired.

The Court, having fully reviewed the unopposed R&R, and being advised in the premises, finds that the R&R should be adopted as the opinion of the Court.

It is, therefore, ordered that the Report and Recommendation [13] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of the Court. The Petition is dismissed with prejudice. A separate final judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 16th day of October, 2018.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE